

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PRIMROSE CREEK HOA,)	
)	
Plaintiff,)	CIVIL ACTION FILE NO.:
)	
vs.)	
)	
PHILADELPHIA INDEMNITY)	
INSURANCE COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

COME NOW, Philadelphia Indemnity Insurance Company (“PIIC”), Defendant in the above-styled action, and petitions for removal of the action herein referred from the Superior Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division, and respectfully shows the Court the following:

1.

Petitioner is the Defendant in a civil action brought against it in the Superior Court of Gwinnett County, Georgia and styled Primrose Creek HOA v. Philadelphia Indemnity Insurance Company, Civil Action File No. 23-A-02900-2 now pending

in said court. A copy of the Summons and Complaint in that action are attached hereto, marked Exhibit “A”, and made a part hereof. A copy of the Answer filed by PIIC in that action is attached hereto, marked Exhibit “B”, and made a part hereof.

2.

Said action was commenced by service of process consisting of said Summons and Complaint upon PIIC’s registered agent on April 10, 2023. The Summons, Complaint and Answer constitute all pleadings that have been filed in said Superior Court of Gwinnett County, Georgia as of the date of this filing of this Notice of Removal, which is timely filed within thirty (30) days of such service.

3.

There is diversity of citizenship among the parties. This is a controversy between Plaintiff, a citizen and resident of Georgia, and PIIC, who is a citizen of Pennsylvania. PIIC is not a citizen of the State of Georgia wherein this action was brought, and its principal place of business is located at One Bala Plaza in Bala Cynwyd, Pennsylvania 19004. Accordingly, this is a civil action brought in the Superior Court for which this United States District Court has original jurisdiction due to diversity of citizenship.

4.

In Plaintiff's Complaint and the repair estimate submitted by Plaintiff to PIIC, Plaintiff seeks \$127,804.02 in damages, exclusive of interest and costs. A true and correct copy of that estimate is attached hereto as Exhibit "C". Because the parties are diverse and the amount in controversy threshold is exceeded, jurisdiction is proper under Section 1332 of Title 28 of the United States Code.

5.

PIIC has given written notice of the filing of the Notice of Removal to Plaintiff and to the Clerk of the Superior Court of Gwinnett County, Georgia. A copy of the Notice of the filing of the Notice of Removal is attached hereto as Exhibit "D".

WHEREFORE, PIIC prays that this Petition be filed, and that said action be removed to and proceed in this Court, and that no further proceedings be had in said case in the Superior Court of Gwinnett County, Georgia pursuant to Section 1331, Title 28 of the United States Code.

This ____ day of May, 2023.

CHARTWELL LAW, LLP

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Counsel for PIIC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing **DEFENDANT’S NOTICE OF REMOVAL TO FEDERAL COURT** upon all parties to this matter by e-filing the same with the Court’s CM/ECF filing system, which will automatically provide a copy to counsel of record as follows:

**J. Remington Huggins
Michael D. Turner
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Roswell, GA 30075
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This 28th day of April, 2023.

CHARTWELL LAW, LLP

/s/ Karen K. Karabinos
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Counsel for PIIC

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